

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:05CR3060
)	
v.)	
)	
OCTAVIO DELVILLAR, FERNANDO)	ORDER
NUNEZ,)	
)	
Defendants.)	
)	

Trial of this case is currently scheduled for November 7, 2005. The government has filed a motion for an earlier trial date to comply with the Speedy Trial Act. Filing 32. Defendant Nunez has filed a motion to continue the trial. Filing 33. The Court, being fully advised in the premises, finds that the filing 33 motion to continue should be granted. Since defendant Nunez has requested a continuance beyond the government's October 24, 2005 proposed trial date, the government's filing 32 motion must be denied.

IT IS THEREFORE ORDERED that as to all defendants in this case, trial is set to commence at 9:00 a.m. on December 12, 2005 for a duration of three trial days before the Honorable Richard G. Kopf. Jury selection will be at the commencement of trial.

This Court further finds that, based upon the showing set forth in defendant's motion, the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and December 12, 2005 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(8)(a).

DATED this 17th day of October, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge